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----> position : Dir. Nuclear Waste Program Office

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Comment Text :

-->The most important thing to say is that the scope of the EIS should be on the environmental impacts of constructing and operating various alternative alignments for the rail line within the Caliente corridor that has already been chosen from among a group of five that were already evaluated for environmental impacts in the Yucca Mountain EIS (DOE/EIS-0250F.) This new work should build on the work already done in the comprehensive EIS.

It is noteworthy that the largest chapter of the Yucca Mountain EIS is on various aspects of transportation. So, unless there is something new pertaining to this alignment EIS there should be no need for duplicative data or analyses.

While alternatives need to be considered, per NEPA guidelines, those alternatives should all fall under the scope of connecting the proposed repository with Caliente along the corridor that was described in the corridor selection Record of Decision. In short, this EIS is not about re-visiting the other corridors nor is it about the mostly truck scenario: those decisions have been made unless there is some persuasive discovery that building a rail line along the Caliente corridor is not at all feasible.

Following the DOE request for BLM to have a moratorium of certain mining and grazing uses within the stipulated and broad swath encompassing (we gather) far more acreage than is likely to be used for the rail alignment, there were many questions raised about property rights of existing land users within the corridor. We suggest the EIS process include presentations on federal land acquisition and land management processes that will apply for the selected alignment. While there may be impacts on certain land users within the corridor, there are certain mitigation measures that the EIS can address.

We understand there are questions pertaining to whether or not the proposed rail line would be used exclusively by DOE or perhaps there may be other common carrier services provided either during the repository shipment period or after the waste shipments are concluded. This seems to have a bearing on what role the Surface Transportation Board may have in approving the rail line construction. We inquired about STB jurisdiction and DOE staff indicated that would be addressed within the alignment EIS process.

Since the Yucca Mountain repository rail line terminus is entirely on federal land with present and future access restrictions, any common carrier use of the line seems impractical unless there is additional trackage placed to an accessible terminal off federal property. If any such capability is being considered there should be a full discussion of what financing would make such a capability possible. Since it would not be required for the repository, we do not believe it should be financed by the Nuclear Waste Fund, unless it comports with the provisions for benefits under the Nuclear Waste Policy Act.

We hope this additional NEPA work can be focused and expedited so that the planning, design, permitting, and land acquisition steps can be accomplished in time to allow for what we understand to be a 46 month construction period. There are many stakeholders who are relying on DOE's transportation planning so that they will be prepared to meet their own responsibilities to support the initial and sustained waste shipments.

We are unaware of the scheduled construction time because we are unaware of what the earliest point at which rail line construction might begin. It does not seem to us that the bulk of the track mileage is within the repository boundary, so we see no need to await the NRC construction authorization license. If that is not the correct interpretation, we request the alignment EIS make a full explanation of the rationale for waiting to start construction on the rail line that may take as much as four years to build.

Few people understand the risks and protective measures taken to protect public health in radioactive materials transportation. Opinion leaders opposed to the repository have made statements as facts that seem more like opinions regarding waste shipment safety. We hope that the EIS can provide the most objective and bias-free portrayal of risk assessment, building upon the relevant sections of the Yucca Mountain repository EIS.

Few people understand much about how railroads are built and operated. We also hope the EIS will be as specific as possible on such matters. We know the Department of Energy is "not in the railroad business," yet we are not aware of how the proposed rail operations to deliver nuclear waste to the repository

will be operated. This EIS seems to present a good opportunity to explain that to stakeholders.

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